

1                                   **IN THE MUNICIPAL COURT FOR THE CITY OF BEND**

2                                   **COUNTY OF DESCHUTES, STATE OF OREGON**

3   In the Matter of:

4   Use of Collection Agencies and  
5   Collections Fees.

General Order No.: 404  
Effective Date: March 1, 2012

6           THIS MATTER came before the Court on its own motion, having determined a  
7   need for certain uniform rules governing the use of collection agencies by the Court for  
8   the collection of unpaid Court Fines and Fees and governing the imposition of  
9   collections fees against unpaid Court Fines and Fees which are referred to a collection  
10   agency for collection; now, therefore, IT IS HEREBY ORDERED:

11           1.     *Use of Collection Agencies:* As provided by ORS 137.118(2)(c)(A), the  
12   Court may assign a judgment against a Defendant to a private collection agency for  
13   collection in any of the following circumstances:

14                   a.   When payment on Court Fines and Fees is overdue; or

15                   b.   When at least 30 calendar days have passed since a default judgment  
16                       has been entered against a Defendant.

17           2.     *Imposition of Collections Fee:* As allowed by ORS 137.118(3), if the Court  
18   provides a Defendant with a period of time to pay Court Fine and Fees after the date of  
19   imposition of the sentence or after the date of the hearing or proceeding that results in  
20   the imposition of the Court Fines and Fees, and the Defendant fails to pay the Court  
21   Fines and Fees within the time allowed, then the Court shall add a collections fee to the  
22   judgment, as provided herein.

23           3.     *Amount of Collections Fee:* As provided by ORS 137.118(3), the amount  
24   of the collections fee:

1 a. Shall not exceed 25% of the total Court Fines and Fees amount  
2 imposed by the Court; and

3 b. Shall not exceed a total of \$250.00 for each Citation.

4 4. *Waiver of Collections Fees:* All or any portion of the collections fee  
5 imposed by the Court may be waived or suspended by the Judge upon a showing of  
6 special circumstances, such as extreme financial hardship or indigence.

7 5. *Minors:* Notwithstanding the foregoing or any other contrary Order of the  
8 Court, for a Defendant who is aged 17 years or younger, the Court shall not assign the  
9 judgment to a private collections agency until after the Defendant attains the age of 18  
10 years.

11 6. *Effect on Prior Orders:* This Order supersedes any and all prior Orders of  
12 this Court concerning the matters herein and shall remain in effect until amended,  
13 superseded or vacated by this Court.

14 DATED: February 28, 2012.  
15 EFFECTIVE DATE: March 1, 2012

16 /s/ Brian T. Hemphill

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18 Brian T. Hemphill  
19 Municipal Court Judge  
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